

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
BERNARD L. MADOFF INVESTMENT :
SECURITIES LLC, :
Debtor. :

PERTAINS TO THE FOLLOWING CASE: :
IRVING H. PICARD, Trustee for the Liquidation :
of Bernard L. Madoff Investment Securities LLC, :
Plaintiff, :
-v- :
J. EZRA MERKIN, GABRIEL CAPITAL, L.P., :
ARIEL FUND LTD., ASCOT PARTNERS, L.P., :
ASCOT FUND LTD., GABRIEL CAPITAL :
CORPORATION, :
Defendants. :
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Adv. Proc. No. 08-01789 (SMB)
SIPA LIQUIDATION
(Substantively Consolidated)

Adv. Proc. No. 09-1182 (SMB)

**[PROPOSED] ORDER GRANTING DEFENDANTS' MOTION IN LIMINE
TO EXCLUDE TESTIMONY OF MEAGHAN SCHMIDT**

Upon consideration of the Notice of Defendants' Motion *In Limine* to Exclude Testimony of Meaghan Schmidt, ECF No. ___, filed by Defendants J. Ezra Merkin, Gabriel Capital Corporation, Ralph C. Dawson, as Receiver for Defendant Ascot Partners, L.P., and Ascot Fund Limited (collectively, "Defendants") (the "Motion"), the Memorandum of Law in Support of Defendants' Motion *in Limine* to Exclude Testimony of Meaghan Schmidt, ECF No. ___, the Declaration of Judith A. Archer in Support of Defendants' Motion *in Limine* to Exclude Testimony of Meaghan Schmidt, dated April 7, 2017, with exhibit, ECF No. ___; and it appearing that due and proper notice of the Motion and the relief requested therein having been given, and no other further notice needing to be given; and a hearing having been held on the

Motion on _____ (the “Hearing”); and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334; and the Court having reviewed the Motion, responsive pleadings, the arguments of counsel at the Hearing and the record in this case, **IT IS
HEREBY:**

ORDERED, that the Trustee may not introduce testimonial evidence from Meaghan Schmidt during trial in the above-captioned adversary proceeding; and it is further

ORDERED, that the Court retains jurisdiction to enforce and implement the terms and provisions of this Order.

Dated: _____
New York, New York

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE